IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 8362 of 2004

Between:

1 Janga Venkaiah, S/o late Mallaiah, R/o Sudarshan Nagar

Colony, Serilingampally Village and Mandal,

Ranga Reddy District
2 Krishna, S/o Janga Venkaiah, R/o Sudarshan Nagar Colony,

Serilingampally Village and Mandal, Ranga Reddy District.
3 Ramulu, s/o Janga Venkaiah,
R/o Sudarshan Nagar Colony, Serilingampally Village and

Mandal, Ranga Reddy District.
4 Ashok, S/o Janga Venkaiah,
R/o Sudarshan Nagar Colony, Serilingampally Village and

Mandal, Ranga Reddy District.
5 Srinivas, S/o Janga Venkaiah,
R/o Sudarshan Nagar Colony, Serilingampally Village and

Mandal, Ranga Reddy District.

..... PETITIONERS

AND

A. Sashidhar Reddy, S/o A. Anand Reddy,
R/o Plot No. 564/A 16, road No. 92 Jubilee Hills, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order, direction more particularly are in the nature of Writ Certiorari by issuing a rule nisi calling for records leading up to and inclusive of the orders passed in I.A. No. 1276 of 2003 in LGC No.2 of 2003 dated 22-03-2004 on the file of the Special Court under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 at Hyderabad and quash the same.

For the Petitioner: Mr. SYED SHAREEF AHMED, Advocate.

For the Respondent: Mr. I.AGA REDDY, Advocate.

The Court made the following Order:

The impugned order, in our considered opinion, does not suffer from any legal infirmities nor from any errors apparent on the face of the record requiring any correction as such by this Court in exercise of its Certiorari jurisdiction.

The respondent herein in the affidavit filed in support of the application under Order 26 Rule 9 of the CPC in clear and categorical terms stated that even after filing the L.G.C, the petitioners herein have further grabbed the remaining land belonging to him and raised further constructions in the land situated in Sy.No.74/ admeasuring Acs.2.20 guntas at Serilingampally Village and Mandal, Ranga Reddy District. It is further averred that even after appointment of an advocate-Commissioner at the instance of the writ petitioners to note down the physical features of the schedule property, the activity of grabbing continued and the whole boundaries of the survey number were destroyed.

It is under those circumstances, the respondent had chosen to file the application for demarcation of the land bearing Sy.No. 75/ totally admeasuring Acs.2.20 cents situated at Serilingampalli Village. The Special Court having considered the application on merits including the opposition raised by the petitioners herein held that no Commissioner can be appointed for the very same purpose of noting down the physical features of the land held that the purpose for which the Commissioner was appointed was to note down the physical features of the land by the Court vide the orders in I.A No. 1093 of 2003 and the present purpose of appointing the advocate-Commissioner is not one and the same.

We are in complete agreement with the view taken by the Special Court. No prejudice would be caused to the claim of any of the parties if the demarcation takes

place as directed by the Special Court. The well considered interlocutory order in no manner requires our interference.

It is needless to observe that the petitioners shall be entitled to file their objections, if any to the report submitted by the advocate-Commissioner. The objections, if any, to be filed shall have to be duly considered by the Special Court in accordance with law.

The Writ Petition shall accordingly stand dismissed. No costs.

(B. Sudershan Reddy, J)

28.06.2004

(Ghulam Mohammed, J)

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Special Court under the A.P Land Grabbing (Prohibition)

Act, Hyderabad.

2 CD copies.